

THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

\* \* \* \* \*

UNITED STATES OF AMERICA	*	6:18-MJ-24-JDL
	*	Tyler, Texas
vs.	*	
	*	3:42 p.m. - 3:52 p.m.
HEON JONG YOO	*	April 6, 2018

\* \* \* \* \*

**INITIAL APPEARANCE ON COMPLAINT**

BEFORE THE HONORABLE JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE

\* \* \* \* \*

Proceedings recorded by electronic sound recording  
Transcript produced by transcription service

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Orange, Texas 77630 \* 409-330-1610

1 **APPEARANCES:**

2 For the United States:

3 MR. L. FRANK COAN, JR.  
4 **U.S. Attorney's Office (Tyler)**  
5 110 N. College, Suite 700  
6 Tyler, Texas 75702

7 For the Defendant:

8 MR. KENNETH R. 'KEN' HAWK, II  
9 **Federal Public Defender**  
10 110 N. College, Suite 1122  
11 Tyler, Texas 75702

12 U.S. Probation:

13 BOBBY LONG

14 Deputy Clerk/ECRO:

15 SHARON BAUM  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1                                   P R O C E E D I N G S

2                                   3:42 P.M. - APRIL 6, 2018

3                   THE COURT: Ms. Baum, you may call the case.

4                   DEPUTY CLERK: The Court calls Case 6:18-mj-24,  
5                   *United States of America vs. Heon Jong Yoo.*

6                   THE COURT: All right. Mr. Yoo, I'm Judge  
7                   Love, and let me advise you that this proceeding is an  
8                   Initial Appearance pursuant to Rule 5 of the Federal  
9                   Rules of Criminal Procedure.

10                               Now, Mr. Yoo, do you understand you've  
11                   been charged here in a Complaint with violating a  
12                   criminal law?

13                   DEFENDANT YOO: Yes, sir.

14                   THE COURT: All right, I'm going to place you  
15                   under oath so I can ask you some additional questions  
16                   about this. So, if you would please raise your right  
17                   hand, Ms. Baum will swear you in.

18                   DEPUTY CLERK: Do you solemnly swear the  
19                   testimony you will give in this case now in hearing  
20                   will be the truth, the whole truth, and nothing but the  
21                   truth, so help you God?

22                   DEFENDANT YOO: Yes, sir -- yes, ma'am.

23                   THE COURT: All right, Mr. Yoo, I'm going to  
24                   ask you a few questions now that deal with your  
25                   background, and so I'd like for you to first tell me

1 your full name.

2 DEFENDANT YOO: H-e-o-n J-o-n-g Y-o-o. Heon  
3 Jong Yoo.

4 THE COURT: And how old are you?

5 DEFENDANT YOO: 24.

6 THE COURT: And how far did you go in school?

7 DEFENDANT YOO: I am currently a late junior  
8 going on junior in university.

9 THE COURT: All right. And any severe  
10 physical pain or illness that you're going through  
11 today?

12 DEFENDANT YOO: No, sir.

13 THE COURT: Ever been treated for any mental  
14 illness?

15 DEFENDANT YOO: No, sir.

16 THE COURT: Feeling so far like you understand  
17 what's going on and why you're here?

18 DEFENDANT YOO: Yes, sir.

19 THE COURT: In general? Okay. Well, if you  
20 feel like you need further explanations as we go  
21 through these proceedings today, you can let me know  
22 and ask a question, I'll try to answer it, or I can let  
23 you privately consult with Mr. Hawk there who's  
24 standing with you at the podium. Okay?

25 DEFENDANT YOO: Yes, sir.

1 THE COURT: Now, Mr. Yoo, do you have a copy  
2 of the Complaint?

3 DEFENDANT YOO: No, sir. Oh, yeah, yes, sir.

4 THE COURT: You do? All right.

5 Now, the purpose of the Initial Appearance  
6 we're having today is -- there are three reasons for  
7 it: I want to make sure you know and understand what  
8 you're charged with in the Complaint, I want to advise  
9 you of your rights with regard to the charge, and I  
10 want to also consider the matter of detention. You  
11 are not required to make any statement concerning the  
12 charge, but anything you say about the charge can be  
13 used against you in a court of law.

14 DEFENDANT YOO: Yes, sir.

15 THE COURT: Do you understand your right to  
16 remain silent?

17 DEFENDANT YOO: Yes, sir.

18 THE COURT: You are also entitled to an  
19 attorney of your choice to represent you. But if you  
20 can't afford an attorney, I can appoint one for you.  
21 Would you like to see if you qualify for the Court to  
22 appoint you an attorney?

23 DEFENDANT YOO: Yes, sir.

24 THE COURT: All right, well, I need to ask  
25 you, then, some questions that deal with your financial

1 situation.

2 DEFENDANT YOO: Yes, sir.

3 THE COURT: First, if you could tell me  
4 whether you're presently employed?

5 DEFENDANT YOO: Yes, sir. I drive for Lyft  
6 Transportation.

7 THE COURT: All right. Now, can you give me  
8 an idea of how much money you're earning in a week or  
9 monthly, however it's easiest to calculate?

10 DEFENDANT YOO: I would say around \$800 per  
11 month from Lyft. It's not that big.

12 THE COURT: All right. Well, have you saved  
13 up any money in the bank or at home?

14 DEFENDANT YOO: I saved over -- I saved up  
15 around 400 to 500.

16 THE COURT: All right, 400 to 500?

17 DEFENDANT YOO: Yes, sir.

18 THE COURT: Well, do you -- so I assume you  
19 own a vehicle; correct?

20 DEFENDANT YOO: I do.

21 THE COURT: Okay. Is it the only vehicle you  
22 own?

23 DEFENDANT YOO: Yes, sir.

24 THE COURT: And what would you say that  
25 vehicle was worth, if you can just give me a ballpark

1 figure?

2 DEFENDANT YOO: Like 11,000.

3 THE COURT: Okay. What about any real  
4 property that you own, such as a house or any land?

5 DEFENDANT YOO: I would say around 20,000.

6 THE COURT: What do you own?

7 DEFENDANT YOO: Total. Oh, real property.

8 THE COURT: Do you own a house?

9 DEFENDANT YOO: None at the moment, sir.

10 THE COURT: I'm sorry?

11 DEFENDANT YOO: None at the moment.

12 THE COURT: All right. Well, you mentioned,  
13 so I want to ask you as well about any personal  
14 property that you own. Now, you mentioned something, I  
15 think, about 20,000. Is that what you're referring to?

16 DEFENDANT YOO: Around there, sir.

17 THE COURT: And what would that consist of?

18 DEFENDANT YOO: Computer, firearms.

19 THE COURT: A computer and what?

20 DEFENDANT YOO: Guns.

21 THE COURT: Guns?

22 DEFENDANT YOO: Firearms. And also clothing.

23 THE COURT: All right. I'm going to find that  
24 you do qualify. I'm going to appoint -- qualify for  
25 court appointed counsel. I'm going to appoint

1 Mr. Hawk, who is standing there with you at the podium,  
2 as your attorney in this case, okay?

3 DEFENDANT YOO: Yes, sir.

4 THE COURT: All right. At this time I'd like  
5 an announcement from the Government, please.

6 MR. COAN: Your Honor, Frank Coan for the  
7 United States.

8 THE COURT: All right, Mr. Coan, if you would  
9 advise the defendant what he's been charged with in  
10 this Complaint and the penalty range.

11 MR. COAN: Yes, Your Honor. The defendant  
12 has been charged by way of a Criminal Complaint with  
13 violations of Title 18, United States Code, Sections  
14 922(a)(6) and 924(a)(1)(A). The penalty ranges are as  
15 follows:

16 For a violation of 922(a)(6), imprisonment  
17 for not more than 10 years, a fine of not more than  
18 \$250,000, a term of supervised release of not more than  
19 three years, and a Special Assessment of \$100.

20 For a violation of Title 18, United States  
21 Code, Section 924(a)(1)(A), the penalty range is  
22 imprisonment for up to five years, a fine of not more  
23 than \$250,000, and supervised release for not more than  
24 three years.

25 DEFENDANT YOO: So I currently have two



1 charges?

2 ***[Pause - Defendant speaking with counsel]***

3 THE COURT: All right, thank you, Mr. Coan.

4 Now, Mr. Yoo, I can also have the  
5 Government read this Complaint to you word for word or  
6 you can waive the reading of it if you feel like you  
7 don't need it read.

8 MR. HAWK: We'll waive the formal reading.

9 THE COURT: All right. Mr. Coan, at this  
10 time -- well, if you would, first of all, Mr. Coan, if  
11 you would advise me of when the defendant came into  
12 custody on this Complaint.

13 MR. COAN: Your Honor, the defendant was  
14 arrested pursuant to a Federal Arrest Warrant today,  
15 which is April 6, 2018.

16 THE COURT: All right, thank you. And does  
17 the Government have a Motion for Detention?

18 MR. COAN: Yes, Your Honor.

19 THE COURT: All right. Mr. Yoo, I'm going to  
20 ask you and Mr. Hawk about the Government's Motion for  
21 Detention here. But before I do that, I do want to  
22 also raise the issue of the fact that we're here today  
23 on a Criminal Complaint and therefore you have the  
24 right to a Preliminary Examination if you desire one;  
25 now, the purpose of which being to determine whether

1 there is probable cause to believe a crime was  
2 committed and that you committed that crime.

3 Now, Mr. Hawk, I believe I've been  
4 provided information that your desire is to have a  
5 hearing on the Government's motion, as well as a  
6 Preliminary Hearing?

7 MR. HAWK: Yes, we'd resist the Motion for  
8 Detention, Your Honor, as well as request a Preliminary  
9 Hearing.

10 THE COURT: All right. In that case, I will  
11 set this matter, Preliminary and Detention motion, for  
12 April 12th at 10:00 a.m. So, again, April 12th at  
13 10:00 a.m., Preliminary Hearing and Detention Hearing.  
14 Now, Mr. Yoo, let me tell you a couple of things about  
15 this.

16 One, I'm going to sign an order which is  
17 going to temporarily detain you on the Government's  
18 Motion to Detain until I can have a hearing on this and  
19 determine the Government's motion, and that's set for  
20 next week, the 12th, I mentioned at 10:00 a.m.

21 In the meantime, an officer from Pretrial  
22 Services with the United States Probation Office, will  
23 probably want to come visit with you and they're going  
24 to want to talk with you about the Government's motion.  
25 My advice, be cooperative and truthful with them. You

1 don't have to talk about your case, but they want to  
2 talk about the Government's motion to detain you on  
3 these charges. And Mr. Hawk can help you with all of  
4 that process. Okay?

5 DEFENDANT YOO: Yes, sir.

6 THE COURT: All right, I believe that's all I  
7 have at this time. Anything further from the  
8 Government?

9 MR. COAN: Your Honor, this Criminal Complaint  
10 was filed under seal. A courtesy copy of the Complaint  
11 and supporting affidavits provided to the defense  
12 counsel. Notwithstanding that, the Government would  
13 ask that the Complaint and its supporting affidavit be  
14 maintained under seal for the time being.

15 THE COURT: All right, Mr. Hawk, anything the  
16 defendant would like to add on that?

17 MR. HAWK: Under the law, Your Honor, that's  
18 appropriate.

19 THE COURT: All right.

20 DEFENDANT YOO: Yes, sir.

21 THE COURT: All right. The Court will  
22 maintain the Complaint and supporting affidavit under  
23 seal. However, as noted for the record, it has been  
24 provided, both of those things, to the defendant in  
25 this matter.

1 Anything further from the defendant?

2 MR. HAWK: One quick question, Judge.

3 ***[Counsel conferring with defendant]***

4 No, Your Honor, in talking to the  
5 defendant.

6 THE COURT: All right, thank you. The  
7 defendant is remanded at this time to the custody of  
8 the United States Marshals and we are adjourned.

9 ***[3:52 p.m. - Proceedings adjourned]***

10

11 C E R T I F I C A T I O N

12

13 I certify that the foregoing is a correct  
14 transcript of the electronic sound recording of the  
15 proceedings in the above-entitled matter.

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17

18 /s/ Gwen Reed

19 8-14-18

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